

August 28, 2018 3:02 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: kw SCANNED BY: KW 8/28

**UNITED STATE DISTRICT COURT
for the
Western District of Michigan**

MALIBU MEDIA, LLC)
)
Plaintiff / &)
Counter Defendant,)
) Civil Action Case No. 18-CV-00120
v.)
) Honorable Robert J. Jonker
JEFFREY SCOTT VOS)
)
Alleged Defendant / &)
Counter Plaintiff.)
)

1:18-cv-120Robert J. Jonker - Chief U.S. District Judge
Phillip J. Green - Magistrate Judge

By Jeffrey Scott Vos:

Party in interest and intervener acting Without Prejudice on behalf of Jeffrey Scott Vos, a free, UNINCORPORATED MAN, see Affidavit ECF no. 25-1, p. 127, and beneficiary of the public trust created by the preamble to the Constitution for these United States of America.

**NOTICE OF SUMMARY JUDGMENT TO CORRECT THE
COURT'S ORDER OF AUGUST 13, 2018 IN PART, AS MOOT FOR
FAILURE TO ADDRESS THE STANDING STIPULATION FOR
SUBROGATION, SETTLEMENT AND COUNTER CLAIM.**

NOW COMES, the Alleged Defendant, by Jeffrey Scott Vos, appearing specially (Sui Juris), and NOT generally, to NOTICE the above court and the Honorable Robert J. Jonker of the facts as relating to this Alleged Defendants assertion of the right to Summary Judgment of my Subrogation, Settlement and Counter Claim; as the Plaintiff, Malibu Media, LLC, has failed to state a claim pursuant to Federal Rules of Civil Procedure and lacking any express proof (absent a sworn Affidavit) pursuant to Rule 56 in order to assert any right to discovery.

THE FACTS

The Alleged Defendant, JEFFREY SCOTT VOS, on June 2, 2018 by and through me, Jeffrey Scott Vos, filed my original response in the above captioned matter, in which I declared

my right to Subrogation, Settlement and to Counter Claim for the same damages the Plaintiff wished to extort from me, plus ten (10) times punitive damages from Plaintiff, Malibu Media, LLC. And, on June 17, 2018, I filed an Amended Response and again demanded the Subrogation and Settlement of all bonds, etc. along with an amended Counter Claim, including the defining of the underlying substance of my Bond. Both, responses were lodged with the court clerk prior to the court on June 18, 2018 Noticing the Alleged Defendant of an August 10, 2018 deadline to respond to the Plaintiff's amended Complaint. An Order that was submitted by the court more than three weeks prior to Malibu Media, LLC Noticing the court of its' Voluntary Dismissal of the above captioned civil action. Plaintiff's Notice also failed to mention that a Counter Claim and Demand for Subrogation and Settlement of all bonds and benefit's that might accrue originally to the Plaintiff was in place at that time. And, this court should have been well aware of the fact that this Alleged Defendant referenced his desire for Subrogation, Settlement and Counter Claim on all of my previous responses, including my last response filed with the clerk of the court on August 9, 2018, one day prior to the court Order for a Rule 12 motion from this Alleged Defendant.

THE ARGUMENT

The court knew or should have known from the first page of the Docket that this Alleged Defendant had claimed his right to Counter Claim the Plaintiff, Malibu Media, LLC, for jeopardy damages, as well as, the Subrogation and Settlement of all bonds and benefits that might accrue to Malibu Media, LLC in this matter. And, that Plaintiff, Malibu Media, LLC, also knew of this Alleged Defendant's Counter Claim, as well as, my right to Subrogation and Settlement of all bonds and benefits prior to the filing of a Voluntary Dismissal of their action.

Malibu Media, LLC in requesting a Voluntary Dismissal of their own action and unable to file a sworn Affidavit in the matter, also gave up any right to any further court ordered discovery in the matter before the court. And, by doing so literally made themselves open to this Defendant's Counter Claim as the charging Counter Plaintiff in this matter. Malibu Media, LLC is now the Counter Defendant in an action that Malibu Media, LLC started and is now without the ability to prove that its' accusations and allegations have any substantive merit regarding the

collection of damages under 17 U.S.C. Section 504(a) & (c)(2) found on page 6, paragraph 33, subsection (D) of Malibu Media, LLC's original Complaint. A complaint, wherein the statutory damages could be as high as \$150,000.00 per count, and wherein Malibu Media, LLC claimed nine (9) separate infringements over a period of time, which could total 1.35 million dollars.

THE CONCLUSION

Malibu Media, LLC after bringing suit involving one, JEFF VOS, offered the court nothing other than unsubstantiated allegations and then decided to withdraw those baseless charges and asked the court for a Voluntary Dismissal with the full knowledge that the right to Subrogation, Settlement and Counter Claim had been made. Further, Malibu Media, LLC must now fall upon the courts mercy after admittedly pillaging over a thousand people and possible as many as six thousand making the federal district courts an unknowing party to Malibu Media's scheme to turn their X rated porn site into a thriving business suing their own alleged patrons.

SUBROGATION, SETTLEMENT AND COUNTER CLAIM

THEREFORE, this Alleged Defendant, by and through Jeffrey Scott Vos, directs the herein corporate United States District Court to enter Summary Judgment and ORDER the Counter Defendant, Malibu Media, LLC, to make a full accounting regarding the amounts collected from all such similar suits filed in the past 10 years. And, further, that the court ORDER Malibu Media, LLC to pay this Alleged Defendant and now Counter Plaintiff, Jeffrey Scott Vos, the reduced amount of One Million United States Dollars (\$1,000,000.00), plus a triple punitive amount of Three Million United States Dollars (\$3,000,000.00), plus costs, including but not limited to my Right to the Subrogation and Settlement of all bonds, benefits, promises, etc. created in this matter regarding the above captioned action.

Dated: August 28, 2018,

By: Jeffrey Scott Vos, Without Prejudice.